

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION**

EMILE HAWKINS #290101

CASE NO. 2:22-CV-06218 SEC P

VERSUS

JUDGE JAMES D. CAIN, JR.

STATE OF LOUISIANA ET AL

RETIRED MAG JDG JRS KAY

MEMORANDUM ORDER

Before the court is a Motion [doc. 24] filed by plaintiff, requesting that the court press charges against staff at the Jefferson Davis Correctional Center for mail tampering. Plaintiff's underlying civil rights action was dismissed by the court on August 21, 2023, after he failed to comply with a court order directing him to amend his complaint and failed to apprise the court of a change in address. Docs. 11, 12. Nearly two years later, plaintiff began sending the court letters to complain about the amounts withdrawn from his account for his filing fee. *See* docs. 15–21. He also alleges mail tampering by jail staff and requests that the court press charges.

“It is a bedrock principle of our system of government that the decision to prosecute is made, not by judges or crime victims, but by officials in the executive branch.” *Lefebure v. D’Aquila*, 15 F.4th 650, 654 (5th Cir. 2021). Accordingly, the court cannot press charges or dictate that any federal charges be brought. To the extent that plaintiff would seek a civil remedy under 42 U.S.C. § 1983, he must show (1) that prison officials intentionally confiscated his outgoing mail and (2) that the confiscation resulted in actual harm to him. *Carpenter v. Itawamba Cnty. Jail*, 597 F.Supp.3d 977, 1002 (N.D. Miss. 2022). But this

case is now closed and any claims relating to current actions by jail officials must be brought in a separate suit. Accordingly, the Motion [doc. 24] is **DENIED**.

THUS DONE AND SIGNED in Chambers on the 23rd day of June, 2025.

A handwritten signature in black ink, appearing to read "James D. Cain, Jr.", is written over a horizontal line.

JAMES D. CAIN, JR.
UNITED STATES DISTRICT JUDGE